IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 590 of 2004 (M/B)

Puran Singh Rautela ……. Petitioner

Versus

Union of India & others …… Respondents

Mr. R. Dobhal, learned counsel for the petitioner.
Mr. P.S. Adhikari, learned Sr. Central Govt. Standing Counsel.

Hon. P.C. Verma, A.C.J.
Hon'ble P.C. Pant, J.

This petition has been filed by the petitioner seeking a writ or direction calling for the records and quash the notice inviting tenders, published in Hindi daily newspaper "Dainik Jagran" on 30.05.2004 (contained in annexure No. 7 to this writ petition) issued by respondent No. 4 on the ground that the condition contained in the tender notice is confined only to the registered contractors of the Central Public Works Department, therefore, it is discriminatory. A counter affidavit was called which has been filed today. We have asked Mr. R. Dobhal, learned counsel for the petitioner, whether he wants to file rejoinder affidavit or not to which he replied in negative.

In the counter affidavit, it has been stated that the corrigendum was issued on 31.05.2004 and circulated to about 12 offices including the office of the District Magistrate, Almora and copy of the same was affixed on the notice board also. Corrigendum was issued prior to the last date of accepting tender. Copy of the tender was also circulated in the 12 Divisions of the Central Public Works Department and on the notice board of the District Magistrate, Almora.

The learned counsel of the petitioner submitted that since the tender was published in the newspaper, therefore, the corrigendum too should have been published in the newspaper, as petitioner could not came to know as he is a resident of Nainital about the notice affixed in District Almora.

The learned counsel for the petitioner did not deny the statement made in Para No. 3 of the counter affidavit that the petitioner is a registered Class-B contractor with the tender limit up to rupees forty lakhs only, while the eligibility provided for obtaining the tender form for the work of Central Public Works Department is rupees fifty lakhs. Therefore, the petitioner is not eligible to submit his tender in view of the notification impugned.

Since this statement in the counter affidavit had not been denied, therefore, we accept it to be correct. Therefore, we do not find any merit in the writ petition. The writ petition is dismissed. No order as to costs.

(P.C. Pant, J.) **(P.C. Verma, A.C.J.)**

Dt. 02.07.2007
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